REMARKS

In response to the above-identified Office Action, Applicant amends the application and seeks reconsideration thereof. In this response, Applicant amends claims 1, 5 and15. Applicant does not cancel or add any new claims. Accordingly, claims 1-9, 11-13 and 15 are pending.

I.   Claims Rejected Under 35 U.S.C. §103(a)

A.   Obvious Over Young in View of Brown

The Patent Office rejects claims 1, 5 and 15 under 35 U.S.C. 103(a) as being obvious over U.S. Patent No. 5,619,706 issued to Young ("Young") in view of U.S. Patent No. 5,325,529 issued to Brown ("Brown"). Applicant amends claims 1, 5 and 15.

To render a claim obvious, the relied upon references must teach or suggest every element of the claim such that the invention as a whole would have been obvious at the time the invention was made to one skilled in the art. Among other elements, claim 1 defines a method comprising storing instructions for sending interrupt controller initializing data to a first interrupt controller and storing instructions for re-routing interrupt controller initializing data to a second interrupt controller. Applicant respectfully submits the combination of Young and Brown fails to teach or suggest at least these elements.

In making the rejection, the Patent Office characterizes Young as showing "a method and system that includes the use of different and separate interrupt controllers which receive two different interrupt requests that transfer initializing data and, when needed, re-routes an interrupt request from one controller to another interrupt controller in order for the second interrupt controller to service the first type of interrupt (column 7, claim 1)" and a memory subsystem that stores information and instructions for the processors to manage interrupts in the system (column 4, line 45)."" Paper No. 17. page 2. The Patent Office does not cite Young as showing storing instructions for sending interrupt controller initializing data to a first interrupt controller; and storing instructions for re-routing interrupt controller initializing data to a second interrupt controller as defined in claim 1. In addition, in reviewing Young in its entirety, Applicant is unable to discern any section of Young that teaches or suggests such elements. The Patent Office relies on Brown to cure the defects of Young, however, Applicant respectfully submits Brown fails to cure such defects.

The Patent Office characterizes Brown as showing "initializing interrupt controller at booting (see column 1 lines 21-26)." Paper No. 17, page 2. The Patent Office does not cite Brown as showing storing instructions for sending interrupt controller initializing data to a first interrupt controller; and storing instructions for re-routing interrupt controller initializing data to a second interrupt controller as defined in claim 1. In addition, in reviewing Brown in its entirety,

Applicant is unable to discern any section of Brown that teaches or suggests such elements. Therefore, the combination of Young and Brown fails to teach or suggest each of the elements of claim 1.

The failure of the combination of Young and Brown to teach or suggest each of the elements of claim 1 is fatal to the obviousness rejection. Therefore, claim 1 is not obvious over Young in view of in view of Brown. Accordingly, Applicant respectfully requests withdrawal of the rejection of claim 1.

Regarding claim 5, among other elements, claim 5 defines a machine readable storage media containing executable program instructions which when executed cause a digital processing system to perform a method comprising storing instructions for sending interrupt controller initializing data to a first interrupt controller and storing instructions for re-routing interrupt controller initializing data to a second interrupt controller similar to claim 1. Therefore, Applicant respectfully submits the discussion above regarding the combination of Young and Brown failing to teach or suggest similar elements in claim 1 is equally applicable to claim 5. Thus, the combination of Young and Brown fails to teach or suggest each of the elements of claim 5.

The failure of the combination of Young and Brown to teach or suggest each of the elements of claim 5 is fatal to the obviousness rejection. Therefore, claim 5 is not obvious over Young in view of in view of Brown. Accordingly, Applicant respectfully requests withdrawal of the rejection of claim 5.

Regarding claim 15, among other elements, claim 5 defines a system comprising means for storing instructions for sending interrupt controller initializing data to a first interrupt controller and means for storing instructions for re-routing interrupt controller initializing data to a second interrupt controller similar to claims 1 and 5. Therefore, Applicant respectfully submits the discussion above regarding the combination of Young and Brown failing to teach or suggest similar elements in claims 1 and 5 is equally applicable to claim 15. Thus, the combination of Young and Brown fails to teach or suggest each of the elements of claim 15.

The failure of the combination of Young and Brown to teach or suggest each of the elements of claim 15 is fatal to the obviousness rejection. Therefore, claim 15 is not obvious over Young in view of in view of Brown. Accordingly, Applicant respectfully requests withdrawal of the rejection of claim 15.

B.   Obvious Over Young in View of Brown and in Further View of Tavallaei

The Patent Office rejects claims 2-4 and 6-8 under 35 U.S.C. 103(a) as being obvious over Young in view of Brown and in further view of U.S. Patent No. 5,987,538 issue to Tavallaei ("Tavallaei"). Applicant amends claims 1 and 5.

Claims 2-4 and 6-8 depend from claims 1 and 5, respectively, and incorporate all of the limitations thereof. Therefore, Applicant respectfully submits the discussion above regarding Young and Brown failing to teach or suggest storing instructions for sending interrupt controller initializing data to a first interrupt controller and means for storing instructions for re-routing interrupt controller initializing data to a second interrupt controller is equally applicable to dependent claims 2-4 and 6-8. Thus, Young and Brown fail to teach or suggest each of the elements of claims 2-4 and 6-8. The Patent Office relies on Tavallaei to cure the defects of Young and Brown.

The Patent Office characterizes Tavallaei as showing "the use of programmable data entries, which provide information necessary to format an interrupt message or request (column 7, line 56);" the entries being "made up of vectors such as a vector field, a delivery mode field, destination filed and a filed for other purposes or otherwise reserved (column 8, 4ᵗʰ paragraph)" and "the generation of interrupt messages such as a SMI (column 4, line 65)." Paper No. 17, page 3. The Patent Office does not cite Tavallaei as teaching or suggesting storing instructions for sending interrupt controller initializing data to a first interrupt controller and means for storing instructions for re-routing interrupt controller initializing data to a second interrupt controller. Moreover, in reviewing Tavallaei, Applicant cannot find any sections of Tavallaei, that teach or suggest such elements. Therefore, the combination of Young, Brown and Tavallaei fails to teach or suggest each of the limitations of claims 2-4 and 6-8.

The failure of Young and Tavallaei to teach or suggest each of the elements of claims 2-4 and 6-8 is fatal to the rejection. Therefore, claims 2-4 and 6-8 are not obvious over Young in view of Tavallaei. Accordingly, Applicant respectfully requests withdrawal of the rejection of claims 2-4 and 6-8.

II.   Allowable Subject Matter

Applicant notes with appreciation the Patent Office's indication that claims 9 and 11-13 are allowable over the prior art of record because the "prior art fails to teach instructions for sending interrupt controller initializing data to the first interrupt controller to initialize the first interrupt controller and instructions for re-routing interrupt controller initializing data to the second interrupt controller to initialize the second interrupt controller."

CONCLUSION

In view of the foregoing, it is believed that all claims now pending (1) are in proper form, (2) are neither obvious nor anticipated by the relied upon art of record, and (3) are in condition for allowance. A Notice of Allowance is earnestly solicited at the earliest possible date. If the Patent Office believes that a telephone conference would be useful in moving the application forward to allowance, the Patent Office is encouraged to contact the undersigned at (310) 207-3800.

If necessary, the Commissioner is hereby authorized in this, concurrent and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2666 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17, particularly, extension of time fees.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: _4/28_____, 2004

William V Babbitt

William Thomas Babbitt; Reg. No. 39,591

12400 Wilshire Blvd.
Seventh Floor
Los Angeles, California 90025
(310) 207-3800

CERTIFICATE OF MAILING:

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on April 28, 2004.

Nadya Gordon   · 4/28/04

Nadya Gordon   *Date*